

Remarks

A. Status of Application

Claims 1-24 and 26 are pending in the application. Independent claims 1 and 26 are currently amended. Independent claim 1 has been amended to recite “optimizing with a computer one or more of the optical indices . . .” Support for this amendment can be found at least at: pages 22-23 and FIG. 12. Independent claim 26 has also been amended to recite “A method for generating an optical filter, comprising generating an optical filter ~~from a~~ having a customized spectral profile . . .” Support for this amendment can be found throughout the specification. No new matter has been added by these amendments.

B. Statement of Substance of Interview

Applicant thanks the Examiner for the courtesy of a telephonic interview with Applicant’s attorney on June 16, 2009. During the interview, the rejections under 35 U.S.C. § 101 were discussed, as well as proposed amendments. Applicant’s attorney argued that the claims were adequately tied to a particular machine. The Examiner agreed that the amendments now reflected in this response would be sufficient to overcome the rejection.

C. Co-pending Application

Applicant respectfully directs the Examiner’s attention to the Notice of Allowance mailed on July 23, 2009 in co-pending Application No. 11/232,442 of Applicant, as well as the corresponding Examiner’s amendments made in such co-pending application.


D. Claim Rejections 35 U.S.C. §101

Claims 1-24 and 26 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Although Applicant respectfully disagrees with the rejection, as agreed during the interview, independent claims 1 and 24 have been amended to expedite prosecution. In particular, independent claim 1 has been amended to recite “optimizing with a computer one or more of the optical indices . . .,” and independent claim 26 has been amended to recite “generating an optical filter ~~from a~~ having a customized spectral profile . . .” Claims 1 and 26, and claims 2-24 which depend from claim 1, are both tied to a particular machine or apparatus. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection.

CONCLUSION

Applicant submits that the claims are in condition for allowance. Should any additional information be required, the Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone interview, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,



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